

Expedited Bill No. 27-06  
Concerning: Taxicabs - Amendments  
Revised: 6-16-06 Draft No. 2  
Introduced: June 20, 2006  
Expires: December 20, 2007  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None (but see §2)  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmember Perez and Council President Leventhal

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**AN EXPEDITED ACT** to:

- (a) temporarily modify the process by which an applicant for a taxicab driver identification card may receive a temporary identification card;
- (b) temporarily suspend the application of certain provisions of law relating to the criminal background check necessary to issue a taxicab driver's identification card;
- (c) revise the schedule for issuing new taxicab passenger vehicle licenses; and
- (d) generally amend the law regulating taxicabs and taxicab drivers.

By amending

Montgomery County Code  
Chapter 53. Taxicabs and Limousines  
Sections 53-205, 53-306, and 53-309

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

**Sec. 1. Sections 53-205, 53-306, and 53-309 are amended as follows:**

**53-205. Periodic issuance of new licenses.**

\* \* \*

(d) *Biennial limit.* During calendar year [2005] 2006 the Director must not issue more than 70 new licenses. In each later [odd-numbered] even-numbered year, the Director may issue a total number of new licenses that does not exceed 10% of the number of licenses then in effect.

\* \* \*

**53-306. Application; temporary card.**

(a) A person who holds or who has held a valid identification card must apply for a renewal card not less than 30 days before the current card expires.

(b) Under procedures established by regulation, a person may obtain an identification card by applying to the Director on a form provided by the Department that at a minimum requires the person to provide:

- (1) the applicant's name, date of birth, current address, and any address where the applicant resided during the past 5 years;
- (2) a statement regarding whether the applicant has any criminal case pending, has ever been convicted or plead no contest or received probation before judgment in lieu of a conviction of a crime other than a non-incarcerable traffic offense; the nature of each crime, the disposition of each matter, and the name, telephone number, and address of any parole officer or probation officer or agency that may know of the offense or the proper completion of any sentence, probation, or parole;
- (3) an authorization for a [complete] state and federal criminal background check to be conducted by the Criminal Justice

Information System (CJIS);

- (4) a copy of the applicant's fingerprints taken by the County Police Department or other agency approved by the Department, and current photographs of the applicant of a size and character required by applicable regulation;
  - (5) a driver's license valid in the applicant's state of residence, and a certified copy of the applicant's driving record for a time period as required by applicable regulation; and
  - (6) the applicant's statement under oath that all information contained in the application is correct and complete.
- (c) (1) An applicant who has not held an identification card, or who held a card that has expired, may apply for a short-term temporary identification card under applicable regulations.
- (2) The Director must not issue a temporary identification card unless the applicant has:
- (A) properly verified his or her identity;
  - (B) a valid driver's license issued by Maryland or a bordering state (including the District of Columbia);
  - (C) submitted his or her driving records, as compiled by the appropriate state motor vehicle agency, for the previous 3 calendar years from any jurisdiction where the applicant held a license to drive a motor vehicle;
  - (D) undergone a criminal background check, conducted by the appropriate state agency, showing that the applicant is not disqualified because of a criminal conviction, receipt of probation before judgment in lieu of a conviction, or pending criminal charge from operating a taxicab; and

- (E) passed the examination required under Section 53-308.
- (3) [After March 1, 2006, the] The Director must not issue a temporary or annual identification card unless the applicant has shown, through a complete criminal background check, that the applicant is not disqualified for any reason mentioned in Section 53-309(a).
- (4) Any temporary identification card issued under this subsection must differ conspicuously in style and color from the annual identification card.
- (5) A temporary identification card expires on the earlier of:
- (A) 5 days after the Department receives the results of the nationwide criminal background check; or
- (B) 90 days after the card was issued.
- (6) The holder of a temporary identification card must return it to the Department, without further proceedings, on the earlier of:
- (A) the day the Department issues the holder an annual identification card under this Chapter;
- (B) the 90th day after the card was issued; or
- (C) 1 day after the Department notifies the holder that the card has expired under subsection (c)(5)(A).
- (d) The Director may extend the expiration date of an identification card (including a temporary identification card issued under subsection (c)) up to 60 days if:
- (1) the applicant has submitted all required documentation; and
- (2) processing of required state or federal criminal background checks has been delayed through no fault of the applicant.
- 53-309. Criteria to deny an identification card.**

82           The Director must not issue or renew an identification card to any driver or  
83 applicant:

84           (a)    who, within 5 years before the application is submitted, was convicted  
85                   of, pled guilty or no contest to, or was placed on probation without a  
86                   finding of guilt for, or who when the application is submitted, has a  
87                   charge pending for, or who has, within 3 years before the application  
88                   was submitted, completed a sentence or period of probation based on a  
89                   charge for:

90                   (1)   any offense involving violence or a weapon;

91                   (2)   any sex offense;

92                   (3)   soliciting for prostitution;

93                   (4)   illegal sale or use of alcoholic beverages;

94                   (5)   violation of any law governing controlled dangerous substances;

95                   (6)   violation of any gaming law;

96                   (7)   any offense involving driving under the influence; or

97                   (8)   any act of moral turpitude;

98           (b)   who has a pattern of reasonably verifiable complaints of substandard  
99                   customer service during the previous 24 months;

100          (c)   whose [traffic] driving record [of “moving” offenses for] during the 3  
101                   years immediately before the application was submitted, or while  
102                   licensed to drive a taxicab, demonstrates that the applicant is not a  
103                   responsible, safe, or careful driver because the applicant has received  
104                   more than 4 points under applicable criteria defined by the state Motor  
105                   Vehicle Administration [ This record may include eyewitness] or by  
106                   other reasonably verifiable testimony of unsafe or dangerous driving;

107          (d)   who makes a false statement or gives a false answer to obtain, or who  
108                   obtains, an identification card by fraud, misrepresentation, misleading

- 109 statements, evasion, or suppression of material fact;
- 110 (e) who is unable to safely operate a taxicab, or who may otherwise
- 111 endanger the public health, safety, or welfare, or who would be unable
- 112 to fulfill the duties of a driver as required by applicable regulation;
- 113 (f) who has substantial delinquent debts to the County, State, or Federal
- 114 government; or
- 115 (g) whose record of violations of this Chapter or other laws or regulations
- 116 of the County, State, or any other jurisdiction indicates to the Director
- 117 that to protect public safety an identification card should not be issued.

118 If an identification card is denied or revoked, the applicant is not eligible to

119 reapply for [2 years] 1 year, unless the Director for good cause otherwise

120 orders.

121 **Sec. 2. Transitional provisions; alternative criminal background check.**

122 (a) Until September 1, 2007, notwithstanding the provisions of Section 53-

123 306(c)(2)(D) and Section 53-306(c)(3) to the contrary, the Director may

124 issue a temporary identification card to an applicant for a taxicab driver

125 identification card, before the Department receives the results of any

126 criminal background check required by Section 53-306, if:

127 (1) the applicant submits an initial criminal history background

128 check, conducted within the previous 10 days by a third-party

129 vendor approved by the Director;

130 (2) this background check covers each jurisdiction in the United

131 States, and in any other country where criminal history records

132 are reasonably available to the approved vendor, where the

133 applicant resided during the previous 5 years; and

134 (3) this background check does not reveal any information that

135 would disqualify the applicant from receiving an identification

136                    card under Section 53-309.

137            (b)    Until September 1, 2007, notwithstanding the provisions of Section 53-  
138                    306(c)(2)(E) to the contrary, the Director may issue a temporary  
139                    identification card to an applicant for a taxicab driver identification card  
140                    before the applicant passes the examination required under Section 53-  
141                    308 if the applicant registers to take the examination when the applicant  
142                    applies for a temporary identification card. The Director must  
143                    immediately suspend the temporary identification card if the applicant  
144                    does not take the examination as scheduled.

145            **Sec. 3. Expedited Effective Date.** The Council declares that this legislation  
146            is necessary for the immediate protection of the public interest. This Act takes effect  
147            on the date when it becomes law.

148    *Approved:*

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George L. Leventhal, President, County Council

Date

151    *Approved:*

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Douglas M. Duncan, County Executive

Date

153    *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

Date